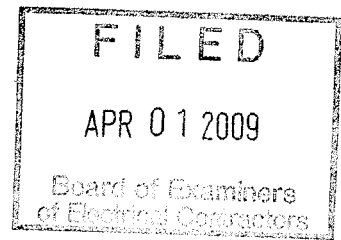


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF ELECTRICAL
CONTRACTORS

IN THE MATTER OF

Salah E. Amer

License No. 34EI01416400

TO PRACTICE ELECTRICAL
CONTRACTING
IN THE STATE OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Examiners of Electrical Contractors ("Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Salah Amer ("respondent") is an electrical contractor licensed in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Pursuant to N.J.S.A. 45:5A-13.1 et seq., all licensees are required to complete a minimum of 34 credits of continuing education requirements as a condition for triennial license renewal which shall include a 10-hour course of study relating to the

most recent edition of the National Electrical Code, nine hours of which shall pertain to code and one hour of which shall pertain to applicable State statutes and regulations; and 24 hours of instruction approved by the Board covering various electrical related subjects.

3. Respondent indicated on his 2006-2009 triennial renewal that he will have completed his continuing education requirement for the 2006-2009 triennial renewal period by June 30, 2006.

4. On or about March 18, 2008, the Board conducted a continuing education random audit involving approximately ten percent of its licensees pursuant to N.J.A.C. 12:31-1.7(f). Respondent was selected for the audit.

5. The Board sent a letter to respondent by regular mail, dated March 18, 2008, to respondent's address of record with the Board. In the letter, the Board required respondent to furnish a copy of his continuing education certificates for the 2006-2009 biennial renewal period. The letter required respondent to submit a written explanation to the Board in the event he failed to complete his 2006-2009 continuing education requirement. A response was to be submitted to the Board office within ten (10) business days.

6. In response to that letter, respondent provided the documents which were received by the Board on or about March 31, 2008.

7. The documents provided indicate that respondent completed 12 hours of electrical related course hours, but failed to take 12 hours of electrical related course hours and did not complete any of the 10 course hours relating to the National Electrical

non-related, non-approved courses in a variety of subjects which are unrelated to electrical contracting.

DISCUSSION

Based on the foregoing Findings of Fact, a Provisional Order of Discipline was entered on February 6, 2009, and a copy was forwarded by Certified and regular mail to the respondent's address of record. The Order provisionally imposed a civil penalty totaling \$4,750.00 on respondent for his violation of, N.J.S.A. 45:5A-13.1 et seq., N.J.A.C. 13:31-1.7(a), (b) and (c) et seq., and N.J.S.A. 45:1-21a. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th day following entry unless respondent requested a modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Within the thirty (30) day period, the Board received a response from respondent, requesting modification of the Findings of Fact and Conclusions of Law. Respondent stated that he believed that the non-approved, non-related course certificates he submitted satisfied the continuing education requirements. Additionally, respondent stated that since he believed the non-approved, non-related course certificates satisfied the continuing education requirements, his statement on the renewal that he completed all continuing education was not based on an intent to deceive but rather a "mistake based on ignorance." Respondent also cited the fact that he completed the 2009-2012 electrical code update course as a reason for the Board to reduce the civil penalty. The Board reviewed respondent's response and the

certificates he previously submitted and found that the courses that respondent claimed he believed were sufficient to satisfy the continuing education for his electrical contracting license included training on various subjects approved by the AIA such as Decra Roofing Systems, Composite Wood Doors and Pre-hung Units, Chimney Design & Combustion/Ventilation Air Requirements for Gas Utilization Equipment, and Masonry Construction First Hand, to name a few, but none of which appear to have any relation to electrical contracting. Therefore, the Board was not satisfied that respondent's statement that he thought those courses would be acceptable was credible and that respondent should be penalized for making a "false" statement" however unintended it may have been. After duly considering all of the submissions and respondent's position that there was no intent to deceive, the Board finds that there is not a sufficient basis to dismiss and/or modify its decision to sanction respondent for falsely answering that he had completed the required courses when in fact he had not, and that no further proceedings were necessary. In addition, respondent asked the Board to consider the fact that he has taken the code and law update for the 2009-2012 cycle as evidence to mitigate the penalty. As all licensees are required to take the code and law update course for each renewing cycle, the fact that respondent already took the update for 2009-2012 does not serve to mitigate the penalty the Board believes is appropriate in this case for respondent's failure to take the required continuing education for the 2006-2009 renewal cycle.

CONCLUSIONS OF LAW

Respondent's failure to comply with the provisions of an act or regulation administered by the Board, specifically, N.J.S.A. 45:5A-13.1 et seq., and N.J.A.C.

13:31-1.7(a), (b) and (c) et seq., in that respondent failed to successfully complete 10 (9+1) credits of code and laws, 24 credits of continuing education and falsified his renewal application by stating that all continuing education requirements were completed in violation of N.J.S.A. 45:1-21a provide grounds for disciplinary action subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-22.

ACCORDINGLY, IT IS on this *1st* day of *April*, 2009,
ORDERED that:

1. A public reprimand is hereby imposed upon respondent, pursuant to N.J.S.A. 45:1-22, for the violation of N.J.S.A. 1-21a, N.J.S.A. 45:5A-13.1 et seq., and N.J.A.C. 13:1-1.7(a), (b) and (c).
2. A civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$1,500.00 is hereby imposed upon respondent for failing to complete the required 10 hour (9+1) course of study relating to code and law for the 2006-2009 biennial period by June 30, 2006, in violation of N.J.S.A. 45:5A-13.1 et seq. and N.J.A.C. 13:1-1.7(b) and (c).
3. A civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$62.50 for each hour of continuing education that respondent has failed to complete for the 2006-2009 triennial period by June 30, 2006, in violation of N.J.S.A. 45:5A-13.1 and N.J.A.C. 13:1-1.7(b) and (c) for a total of \$750 is hereby imposed upon respondent.
4. A civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$2,500.00 is hereby imposed upon respondent for falsely stating that the required continuing education requirement was complete for the 2006-2009 triennial period by June 30, 2006, in violation of N.J.A.C. 13:31-1.7(a).

5. The aggregate penalty totaling \$4,750.00 shall be paid by money order or certified check made payable to the State of New Jersey and delivered to the Board of Examiners of Electrical Contractors, P.O. Box 45006, 124 Halsey Street, Sixth Floor, Newark, NJ 07101, no later than ten (10) days after entry of this Final Order of Discipline. In the event respondent fails to make timely payment, a certificate of debt shall be filed and the Board may take such further action as it deems appropriate.

6. Within six (6) months from the date of this Order, respondent is hereby required to submit the appropriate documentation demonstrating, to the satisfaction of the Board, that he has completed all missing course hours, pursuant to N.J.S.A. 45:1-22 for the 2006-2009 renewal cycle. Failure to comply shall result in the automatic and immediate suspension of respondent's license to practice electrical contracting in New Jersey without further order until such time as respondent submits satisfactory proof of completion of all required hours of continuing education.

7. No later than ten (10) days after the entry of this Final Order of Discipline, respondent is hereby required to submit all documentation of continuing education courses taken to date for the next renewal cycle, 2009-2012, pursuant to N.J.S.A. 45:1-22.

NEW JERSEY STATE BOARD OF
EXAMINERS OF ELECTRICAL CONTRACTORS

By: _____

Joseph P. Schooley
Board Chairman